

Minutes Council Neighborhood Parks Rehabilitation & Maintenance Committee May 19, 2010

Minutes of the meeting of the City Council's Neighborhood Parks Rehabilitation & Maintenance Committee held on Wednesday, May 19, 2010, 3:00 p.m., in the 3rd Floor Conference Room, Tempe City Hall, and 31 E. 5th Street, Tempe, Arizona.

Committee Members Present:

Councilmember Joel Navarro, Chair
Councilmember Mark Mitchell

City Staff Present:

Jan Hort, City Clerk
Elizabeth Thomas, Neighborhood Svcs
Lucy Morales, Pub Wrks
Jenae Naumann, City Atty
Tom Wilhite, Pub Wks

Sam Thompson, Parks & Rec
Mark Richwine, Parks & Rec
Andy Goh, Pub Wks
Bob Pohlit, Parks & Rec

Guests Present:

Adam Jones

Councilmember Navarro called the meeting to order at 3:30 p.m.

Agenda Item 1 – Public Appearances

None

Agenda Item 2 – Review of Minutes

The minutes of April 21, 2010 were accepted.

Agenda Item 3 – Cell Phone Towers in Parks

Bob Pohlit reported that staff has been approached by a company called Clear Wire to place cell phone towers and equipment in city parks. Staff is seeking guidance in terms of whether or not this is acceptable and if so, to define how the process should go. There are seven city parks Clear Wire is requesting to place their towers/equipment in: Kiwanis, Clark, Escalante, Corbell, Campbell, Meyer and Waggoner Parks. If Council decides that this is an acceptable practice, it is staff's recommendation that cell phone tower additions be limited to park facilities where similar facilities already exist. Kiwanis, Clark and Escalante Parks already have sports lighting poles which would be compatible with cell phone towers. Campbell, Corbell, Meyer and Waggoner Parks do not have similar facilities, and staff feels a cell tower would not be compatible in those environments. In addition, staff recommends that any cell tower addition request go to a public meeting so that neighborhood residents are able to provide their feedback on this activity. This would be in keeping with the current practice of seeking resident feedback for park renovations.

There is currently no policy allowing the use of city property for cell phone equipment.

Councilmember Mitchell suggested that staff talk to school district officials to get their feedback since most of these parks are located near schools and in neighborhoods.

Elizabeth Thomas mentioned that a use permit for this activity might be required.

Mr. Richwine brought up the fact that not only will there be cell phone towers in the parks, but that these towers will need an equipment facility structure located close to the poles (generally within 200 feet) that must have a source of electricity to support that facility. The concern to the public will be the exposure to children.

Jenae Naumann brought up historical issues of concern regarding the cell towers. One issue of concern is allowing these units in the right of way. City leaders have the final say on whether or not to allow cell towers on City property. The community commonly raises two additional issues of concern: 1) RF (radio frequency) emissions; 2) aesthetics – the way these structures look. Should the Council decide to allow this company to put cell towers up in certain parks, other companies may approach the City to do the same. If a proposed cell tower is in the middle of a park, then a legal public notice alerting residents and businesses of such might not be required by ordinance because of its distance from those residential or businesses. If the Council wishes to lease out a portion of a park for this purpose, there is the potential for angry citizens to attend the Council meeting where the lease agreement is scheduled to be approved. This would not be a desirable outcome for Council. Mark Richwine asked Ms. Naumann that if there was enough neighborhood opposition to the issuance of a use permit at a Council meeting, would it be grounds for Council deny the use permit. Ms. Naumann stated that the City has the right to lease its property and it would be most appropriate to decide whether or not certain parks are or are not approved for this type activity.

Councilmember Mitchell asked if there are sample ordinances from other communities that address this topic. Mark Richwine stated that this would be more of a lease agreement, instead of an ordinance. Mr. Richwine added that staff is seeking the Council's policy position regarding requests for cell phone equipment in City parks. From a staff perspective, it makes sense to look at adaptive use of existing ball field light poles. These are typically found at high school sports fields.

Councilmember Navarro asked what would be the public benefit to Tempe if Council were to approve this request. Ms. Naumann stated that Tempe would receive revenue from this activity via the negotiated lease agreement terms.

Councilmember Mitchell's concern with putting cell towers in small parks is building the housing unit that needs to be located close to the tower. This might be fine in big parks since the towers can be hooked up to large light fixtures, but in smaller parks, it would stand out and be a lot of work to put up.

Councilmember Navarro asked staff to get input from the schools and neighborhood residents.

Mr. Richwine stated that if the Council is a willing party to accept a cell tower on City property, staff could go through the neighborhood notification process and hold a public hearing. If the public is concerned with the RF issue, then that would not be sufficient grounds for the City to deny a use permit or deny the cell phone company access to City property. This could be a slippery slope if the neighborhood is adamantly opposed to a cell tower and their sole justification for opposition is based on RF. There are or may be things that residents have concerns about that the City has no control over.

Mr. Richwine stated that no matter where the towers are placed, a use permit will be required. Staff is seeking direction from Council on whether or not to lease park property to cell phone providers.

Andy Goh commented that there will be some locations that do not meet the criteria for cell towers to operate properly.

In these fiscally trying times revenue opportunities are nothing to dismiss. However, Mr. Richwine advised the Committee that Council could end up being in a problematic position because of the challenges previously noted.

Councilmember Mitchell requested staff to prepare the pros/cons on this topic and asked that Neighborhood Services Department participate with Parks and Recreation staff on this process. It would also be helpful to have sample ordinances from other jurisdictions that address cell phone towers.

Ms. Naumann commented that cell phone tower companies also look at locating their equipment on top of fire stations, and other types of city buildings. Regardless of location, Mr. Richwine stated that either the Council accepts this at a certain location or all locations. This activity will require use permit for each location. Currently there is no cell equipment that is not city owned on city park property at this time. Ms. Naumann cautioned that there is a possibility that if this were to be approved, then there is the chance that the City could be accused of being subjective when approving or denying a company to locate their cell tower equipment on City property.

Councilmember Navarro voiced his preference in researching the concept of putting cell towers up in athletic facilities and not consider the neighborhood parks until further research can be done. Councilmember Mitchell added that this should be done on a case by case basis.

Before this issue goes to the Issue Review Session, Councilmember Mitchell asked staff to provide the pros and cons, the average revenue a cell phone tower generates, and what would a city wide policy look like, including citizen involvement.

Agenda Item 4 –Clark Park Pool

Bob Pohlit explained that the Clark Park pool was closed for renovation in 2009. Due to the lack of Capital Improvement (CIP) and Operating funds, that renovation will not occur within the proposed five year CIP plan. Regardless, this pool continues to incur operating expenses for electricity, water, chemicals and maintenance which costs approximately \$25,000 annually. If this swimming pool were to be demolished and filled in, it would cost approximately \$18,000. To demolish the entire site would cost \$60,000. A swim team could practice there, but it would be for a limited time since the water is not heated. The pool has sat idle for the past 12 months. If the pool were to be drained it could pose a potential liability if someone were to become injured. If the site was to be demolished, the neighborhood could have input on what to do with the land for adaptive reuse. This site could potentially be converted into a community garden or a dog park.

Mr. Richwine stated that staff is diverting requests for use of the Clark Park pool to the McClintock High School swimming pool facility.

Councilmember Mitchell stated that staff should invite neighborhood residents to a public comment session on this matter to get their input on what they would like to have done with this facility prior to bringing this topic to an Issue Review Session.

Councilmember Navarro directed staff to monitor the feedback regarding community swimming pools and complaints from the public, given the staff and CIP budget reductions. This information would be helpful during next year's budget discussions.

Agenda Item 5 – Update on Neighborhood Park Rehabilitation Schedule

Park plans for the renovations for Hallman, Daley, Scudder and Goodwin parks are nearly completed. Once the plans are completed they will be put on file and no other park renovation plans will be advanced forward due to lack of CIP funding.

The Kiwanis park irrigation project is nearly complete. The Kiwanis Recreation Center (KRC) wave pool renovation is finished. The KRC rehabilitation will be done in August and is still funded. The renovations to the KRC include new lockers, disability access to locker rooms, additional electrical to deck area, equipment replacement, and changes to the front desk area. The Escalante pool will be done by the end of the week and open for Memorial Day weekend. The construction for the replacement of field lighting for Diablo Stadium fields I & II is complete, but during testing some lighting issues were found. This problem should be fixed next week. The lighting system at these fields had to be replaced five additional poles at the main stadium might also need to be replaced due to rusting. If the entire lighting system were to be replaced at Diablo Stadium the cost would be close to one million dollars. However, there may be discounts based on quantity purchased. There are electrical service sections that are failing in some parks right now and will need to be replaced in the near future. Mr. Richwine explained that if there were still a Park and Restoration Program, it would have addressed many of these minor issues over time. Since these programs are being deferred to future years, infrastructure maintenance issues will still have to be addressed in the parks. Parks and Recreation staff is working with Financial Services staff to see what money is available in the CIP fund to cover basic infrastructure needs. Staff anticipates bringing a revised list of park infrastructure projects to the Council that will need funding. Old age is catching up to the parks, which is causing problems. Although there are many needs for the parks, the number one priority right now is Diablo Stadium.

Agenda Item 6 – Pilot Program for Placing Recycling Receptacles along Mill Avenue & in Various Park Locations

Lucy Morales stated that Parks and Recreation staff is working with Downtown Tempe Community, Inc., (DTC) to place five recycling containers in the downtown area along 5th and 6th Streets and Mill Avenue. Staff will be evaluating the performance of this pilot program in six months. Containers are used to recycle beverage containers, newspapers and glass. Staff is working on an education plan with DTC to promote these recycling receptacles via a public service announcement.

Councilmember Navarro asked staff if a recycling container is portable, so that if it is not being used to its full potential, could it be moved to a better location? Ms. Morales responded yes.

Recycling options at City parks is also being considered. There are several locations that staff is recommending that recycling barrels be located: Tempe Beach Park, Kiwanis Park, Benedict Park, Tempe Sports Complex, Mitchell Park and Daley Park. This would be a pilot program and that includes education outreach as a component. Staff will be seeking feedback from residents about this program.

The barrels for recycling cost \$10 a piece. Hopefully this becomes a revenue source if people use these receptacles to recycle.

Agenda Item 7 – Future Agenda Items

None

Agenda Item 8 – Future Meeting Date(s)

A tentative meeting was planned for August. There will be no meeting in June or July.

Agenda Item 9 – Announcements

None

Meeting adjourned at 4:30 p.m.

Prepared by: Jaclyn Levin
Reviewed by: Kay Savard

Jan Hort
City Clerk

UNAPPROVED